Case 5:00-cv-00869-DNH Document 116 Filed 93/13/03 Page 1 of 18 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK JAIME A. DAVIDSON, JAN 2 1 203 PETITIONER, ) ) CRIM. NO. 92-CR-35 -V5-)Civil NO. 5:00-CV-869(NPM) APPEAL NO. 01-237,0 UNITED STATES OF AMERICA, FILED MAR 13 20037 RESPONDENT. 1

AFFIDAVIT IN SUPPORT OF MOTION FOR NEW TRIAL AND/OR ALTER OR AMEND JUDGMENT WITH FINDINGS BY THE COURT... OF A PRISONER WHO'S ACTUALLY (FACTUALLY) INNOCENT

TO THE HONORABLE JUDGE OF SAID COURT;

MAY IT PLEASE THIS COURT:

COMES NOW, AFFIANT/PETITIONER, JAIME A. DAVIDSON, PRO-SE, (REG. NO. 37593-053), PRESENTLY BEING HOUSED AT USP-POLLOCK (P.O. BOX-2099, POLLOCK, LOUISIANA 71467), HEREBY CERTIFIES THAT THIS PRESENT AFFIDAVIT

IN SUPPORT OF MOTION FOR NEW TRIAL ..., IS PRESENTLY
BEING BROUGHT TO THIS HONORABLE COURT WITH DUE DILIGENCE
AND UNDER GOOD FAITH, AND AFTER BEING DULY SWORN UNDER
THE PENALTY OF PERTURY, AFFIANT DEPOSES AND SAYS:

- 1. THAT I, ME, MY, AFFIANT AND/OR PETITIONER, IS
  REFERRED TO HEREIN AS JAIME ALEXANDER DAVIDSON, SR.;
- 2. THAT I HAVE PERSONAL KNOWLEDGE SURROUNDING THE FACTS SET FORTH IN THIS AFFIDAVIT;
- 3. THAT THIS IS A "PRIMA FACIE" AFFIDAVIT THAT
  RAISES A NUMBER OF CRITICAL ISSUES OF "FIRST NATIONAL"
  IMPRESSIONS"
- 4. THAT BASED ON THIS HONORABLE COURT'S

  DECEMBER 315, 2002 DENIAL ORDER RECEIVED BY AFFIANT ON

  JANUARY 30, 2003, AFFIANT HAS PREPARED THE INSTANT

  MOTION FOR NEW TRIAL ..., PURSUANT TO RULES 52(b),

  59(a)(c) AND (e), F. R. CIV. P. WITH EXTREME DUE DILIGENCE AND

  UNDER GOOD-FAITH TO MEET SAID RULE'S STRICT '10 DAYS"

  FILING PEADLINE (FROM THE DATE OF THE COURT'S TUDGMENT

  THE PETITIONER IS CHALLENGING); AND, AFFIANT HAS FILED THE

  INSTANT MOTION IN A TIMELY MANNER WITHIN THE SET

  10 DAYS FILING. DEADLINE (COUNTING HOLIDAYS AND WEEKENDS);
- 5. THAT BASED ON USP-POLLOCK'S VIOLENT SERIES
  OF EVENTS (STABBINGS), FOLLOWED BY NUMEROUS "LOCKDOWNS"

  DUE TO SECURITY CONCERNS ALL THROUGH THE WEEK OF JAN.
  6<sup>TH</sup>, 2003 UNTIL JAN. 9<sup>TH</sup>, 2003 (WHICH TRIEGERED A

  "PERMANENT LOCKDOWN" UNTIL FURTHER NOTICE), HAS

  DRASTICALLY HINDERED AFFIANT'S MOTION PRACTICES (REFERRINGTHE SPECIFIC ARGUMENTS TO "SEE, FOR I DENTIFICATION" PURPOSES,

  THE EXHIBIT WHICH SUPPORTS SAID ISSUE IN QUESTION;

- 6. THAT IN LIGHT OF AFFIANT'S "MOTION FOR NEW TRIAL ...," ATTACHED WITH THE VOLUMINOUS EXHIBITS IN SUPPORT OF SAME, THIS HONORABLE COURT'S THOROUGH CONSIDERATION WOULD EXPLICITLY REFLECT ON THE FACE OF THE RECORD THAT, THE EVIDENCE ALLEGEDLY PRESENTED AT MY TRIAL PROVES WHERE AFFIANT IS "FACTUALLY INNOCENT." IN TOTAL CONTRADICTION" TO THE DISTRICT COURT'S 12-31-02 DENIAL ORDER AT PAGE 9, ALLEGING THAT, "THE PROOF AS TO HIS GUILT ON THE COUNTS CHARGED AGAINST HIM IN THE INDICTMENT WAS OVERWHELMING;"
- 7. NOW, AFFIANT IS ABOUT TO "BREAK-DOWN"

  IN FULL PETAILS BY REFERENCE, WHAT ALL OF MY EXHIBITS

  FROM AFFIANT'S "MOTION FOR NEW TRIAL...," ARE TO BE

  UTILIZED IN SUPPORT OF, AND THEY ARE AS FOLLOWS:

EXHIBIT- A: AFFIANT'S "MOTION REQUESTING LEAVE TO RE-SUBMIT PETITIONER'S 'AFFIDAVIT IN SUPPORT OF THE HONORABLE NEAL P. McCurn, S. J.'S RECUSAL,'... AFFIANT; SUBMITS THAT THE HON. MCCURN'S FAILURE TO CONSIDER SAID AFFIDAVIT OF RECUSAL ON ITS MERITS ONLY PROVES HIS BIASNESS AND FAVORITISM TOWARDS THE GOVERNMENT (MR. JOHN G. DUNCAN, ESQ. (AUSA)); AND, PRIOR TO CONSIDERING THE INSTANT MOTION FOR NEW TRIAL WITH VOLUMINOUS EXHIBITS, THE HON. McCurn, S. J. "MUST" RECUSE HIMSELF;

EXHIBIT-B: AFFIANT'S "AFFIDAVIT OF JAINE A.

VAVIDSON IN SUPPORT OF MOTION REQUESTING LEAVE TO

RE-SUBMIT PETITIONER'S "AFFIDAVIT IN SUPPORT OF THE

HONORABLE NEAL P. McCurn, S. J.'S RECUSAL ...;" AND, THE

PRESENT AFFIDAVIT FURTHER SUPPORTS AFFIANT'S COMPLAINT

OF TRIAL COUNSEL'S INEFFECTIVE ASSISTANCE COUNSEL CLAIM
FOR HINDERING MY DIRECT APPEAL BY WITHHOLDING MY DISCOVERY
MATERIALS FROM APPELLATE COUNSEL. MR. LAIDLAW'S ACTIONS ARE
CLEARLY CONTRIBUTED TO HIS ACTS OF "RACIAL DISCRIMINATION"
BEING RACIST AGAINST AFRICAN AMERICANS (BLACK PEOPLE) AND
TAXING ADVANTAGE OF MY PARENTS BY ROBBING THEM UNDER THE
FALSE PRETENSE THAT HE [MR. LAIDLAW] WAS GOING TO RETAIN THE
SERVICES OF A PRIVATE INVESTIGATOR...;

EXHIBIT - C: AFFIANT'S "NOVEL FORMED AFFIDAVIT

OF JAIME A. DAVIDSON, SR." DERIVING FROM MY INITIAL

"MOTION FOR RECONSIDERATION...," IN FURTHER SUPPORT OF

MY PRESENT MOTION FOR NEW TRIAL CONTAINING NUMBROUS

VITAL DOCUMENTS "WITHHELD" FROM MR. FREEMAN, ESQ. BY

MR. LAIPLAW, ESQ. PLEASE NOTE, ARROW NEXT TO EACH EXHIBIT

NUMBERED SIGNIFIES THAT I AM REFERRING THIS HONORABLE

COURT TO CONSIDER SAID EXHIBIT THOROUGHLY (WITH THE

CONTENTS OF SAID AFFIDAVIT SWORN UNDER THE PENALTY OF

PERTURY);

EXHIBIT - D: AFFIRNT'S "SUPPLEMENTAL MOTION
FOR A EVIDENTIARY HEARING," IN SUPPORT OF PETITIONER'S
CLAIMS AGAINST MR. LAIDLAW FOR "RACIAL DISCRIMINATION,"
"SOLICITATION OF FUNDS" WHILE BEING PAID BY THE CRIMINAL
JUSTICE ACT PROGRAM AND THE REQUEST OF A HEARING AND
PROPER PROCEDURES TO BETAKEN WITH AFFIDAVITS IN DISPUTES.
PLEASE NOTE, SAID SUPPLEMENTAL MOTION WAS PLED UNDER
THE PENALTY OF PERJURY AS AN AFFIDAVIT. AFFIANT HAS ALSO
ATTACHED TWO (2) NEWSPAPER ARTICLES BY THE USA-TODAY AND
DAILY NEWS COVERING SEN. TRENT LOTT (FORMER MAJORITY)

SENATE LEADER, WHO HAD TO STEP DOWN FROM HIS POST FOR UTILIZING "RACIST COMMENTS" AS MR. LAIDLAW HAS DOWE. AFFIANT ASSERTS THAT THESE ARTICLES HAVE BEEN PLACED ON THE RECORD FOR "JUDICIAL GUIDANCE" IN HANDLING SAID RACIAL DISCRIMINATION ISSUE IN QUESTION (WHICH COMPELLED MR. LAIDLAW TO HINDER MY DIRECT APPEAL). SEE, (NEWS ARTICLES ATTACHED HEREIN) TO COMPEL THIS HONORABLE COURT TO "DISBAR" MR. LAIDLAW, ESQ. AND ISSUE A PUBLIC APOLOGY FOR RACIALLY OFFENDING MY FAMILY, NEW YORKERS OF MY RACE/COLOR AND ME, ETC;

EXHIBIT-E: AFFIANT HAS SUBMITTED HEREIN
A VOLUME OF AFFIDAVITS PURSUANT TO RULE 59(C), F.
R. CIV. P., WHICH "COMPELS" THE GOVERNMENT TO FILE
ITS "OPPOSING AFFIDAVITS WITHIN 10 DAYS" OF
FILING," IN SUPPORT OF AFFIANT'S NEWTRIAL MOTION,
AND THE AFFIDAVITS AND DEA TASK FORCE DEPUTIZATION
PROCEDURES ACQUIRED VIA, THE FREEDOM OF INFORMATION
PRIVACY ACT AND SAID AFFIDAVITS ARE AS FOLLOWS:

E. 1- A LETTER IN SUPPORT OF A CONVERSATION

AFFIANT HAD WITH MS. FELICIA STEWART (GOVERNMENT
WITNESS), EXPRESSING HOW SAD SHE FELT FOR LYING TO THE
JURY ALLEGING THAT SHE WAS MY "CHILD'S MOTHER", IN
ORDER TO GAIN CREDIBILITY" KNOWING THAT HER SON IS NOT
MY SON..., WHICH HAD A MAJOR IMPACT WITH MY CONVICTION;

E.2- AFFIDAVIT OF CO-DEFENDANT, MR. GARY STEWART;

- E. 3- COUNTER-AFFIDAVIT OF CO-DEFENDANT, MR. GARY STEWART;
- E. 4 A LETTER FROM DISTRICT ATTORNEY, ROBERT E. WILDRIPGE TO MS. KATE ROSENTHAL, ESQ. AND A COPY CARBON COPIED AND FORWARDED TO AUSA, MR. JOHN G. DUNCAN, ESQ., REFLECTING A SECRET MEETING AND AGREEMENT WHICH WILL SOON TRANSPIRE WITH MR. GARY STEWART (AFFECTING MY SEVERANCE ISSUE);
- E.5- A PROFFER AGREEMENT NEVER DISCLOSED"
  BETWEEN CO-DEFENDANT, MR. STEWART, HIS TRIAL COUNSEL,
  MS. ROSENTHAL THEN AND AUSA, MR. DUNCAN DATED
  MARCH 26, 1991;
- E. 6 A "PROFFER STATEMENT SUMMARY NEVER

  DISCLOSED" BETWEEN CO-DEFENDANT, MR. STEWART, MS.

  ROSENTHAL AND MR. DUNCAN, PATED APRIL OF 1991,

  WHICH "HIGHLY IMPACTED" MY SEVERANCE CLAIM ALONG

  WITH EXHIBIT-E.5;
- E.7- AFFIDAVIT OF MRS. ANDREA FRANCES ROBINSON KEARSE BALLARD (NOW DECEASED);
- E.8 AFFIDAVIT OF CO-DEFENDANT, ROBERT "BAM-BAM" LAWRENCE WITH SUPPORTING TRIAL TESTIMONY TRANSCRIPTS AND LETTERS TO THE HON. NEAL P. McCurn, S. J. AND THE HON. GEORGE LANGE, III FROM THE SECOND CIRCUIT COURT OF APPEALS;

E.9- MR. ROBERT LAWRENCE'S BAR COMPLAINT UNDER THE PENALTY OF PERJURY AGAINST HIS TRIAL ATTORNEY, MR. JAMES P. McGINTY, ESQ.

E. 94/2 - AFFIDAVIT OF MS. GWENDOLYN MORROW

(MR. LAWRENCE'S GIRLFRIEND ON OCTOBER 30TH, 1990), ATTACHED

WITH TWO(2) NEWSPAPER ARTICLES IN SUPPORT OF AFFIANT'S

CLAIMS OF FACTUAL INNOCENCE VIA, STATEMENTS FROM

THE SYRACUSE POLICE DEPARTMENT OFFICERS AND DEPUTY

CHIEF OF POLICE, FRANK SARDINO;

E. 10 - AFFIDAVIT OF MS. KATE ROSENTHAL, ESQ. (FORMER TRIAL ATTORNEY OF MR. STEWART);

E. 11 - TRIAL TRANSCRIPT REFLECTING WHERE MS. ROSENTHAL IS REQUESTING THAT THE COURT INSTRUCT THE JURY ON THE PINKERTON THEORY WITHIN MR. LAWRENCE'S REQUESTED SELF-DEFENSE, TO ALL DEFENDANTS AND MR. LAIDLAW "DID NOT" OBJECT;

E. 12- AFFIDAVIT OF MRS. CILDA HOWARD (NOT AKIN TO OFFICER HOWARD);

E. 13- AFFIDAVIT OF MAJOR, ISAAC DAVIDSON, JR. (USAF);

E. 14- AFFIDAVIT OF MR. I SAAC DAVIDSON, SR.;

E.15- AFFIDAVIT OF MRS. SHIRLEY DAVIDSON;

# E. 16 - AFFIDAVIT OF MS. JASMIN SANDY;

E.17-OFFICER WALLIE HOWARD, JR.'S DEA TASK
FORCE DEPUTIZATION REQUEST FORM, CALLED A
DEA-481 FORM ATTACHED WITH ITS "CERTIFICATION
OF AUTHENTICATION" SHEET; AND

E. 18 - FOIR'S REQUEST COMPLETED ACQUIRING

A "DEA DEPUTIZATION AND JOINT TASK FORCE

POLICIES, PROCEDURES AND/OR REGULATIONS! CONTRADICTING

AGENT WILLIAM R. NELSON'S TRIAL TESTIMONY THAT

A DEPUTIZED AGENT (AS OFFICER HOWARD, JR.), CAN BE

DEPUTIZED FOR LIFE, WITH FULL AUTHORITY AS A

DEA AGENT (WHICH THESE POLICIES PROVES THAT THAT'S

FAR FROM THE TRUTH);

EXHIBIT-F: AFFIANT'S PRE-TRIAL "OMNIBUS MOTION" HEARING TRANSCRIPTS "NOTES," AND CERTAIN SPECIFIC ISSUES ARE HIGHLIGHTED AS FOLLOWS:

F. 1- MR. GARY STEWART'S PRE-TRIAL INQUIRY
REGARDING RULE 404(b) EVIDENCES AND RULE 609 MATERIALS,
JUST TO KNOW IF HE DECIDED TO TESTIFY ON AFFIANT'S
BEHALF, IF CERTAIN CRIMINAL RECORPS WOULD'VE BEEN UTILIZED
FOR CROSS- EXAMINATION;

F. 2 - ARGUMENTS ON AFFIRNT'S "SEVERANCE MOTION" BASED ON "ANTAGONISTIC DEFENSES" PARTICULARLY;

F. 3 - ARGUMENTS ON MOTION FOR CHANGE OF VENUE;

F. 4 - CO-DEFENDANT, MR. JUAN MORALES'

ARGUMENTS REQUESTING A "SUPPRESSION HEARING" ON

HIS STATEMENTS WHICH WERE ALLEGEDLY ACQUIRED VIA,

HIS MIRANDA RIGHTS BEING VIOLATED;

F.5-MR. LAIDLAW INFORMS THE COURT THAT

HIS TRIAL DEFENSE FOR AFFIANT WILL BE "ANTAGONISTIC

AND/OR AT CONFLICT WITH THE REST OF TRIAL COUNSELS,"

EXHIBIT-G: AFFIANT'S LETTER NOTIFYING

MR. DAVID A RIGLE, M. D., MS. MARY I. JUMBELIC, M.D.

AND THE ONONDAGA DISTRICT ATTORNEY, THAT THEIR

"SILENCES" VIA, FAILURES TO RESPOND TO MY INITIAL

LETTER WITH ATTACHED EXHIBITS, "CONFIRMS" THEIR

KNOWLEDGE THAT OFFICER HOWARD, JR. WAS "NOT" KILLED

BY CODEFENDANT, MR. LAWRENCE; AND, A LETTER WITH

ATTACHED EXHIBITS OF SAME ADDRESSED VIA, CERTIFIED

MAIL TO THE HON. WILLIAM J. BURKE (OF THE ONONDAGA

COUNTY COURT), NOTIFYING HIM THAT A FRAUD WAS COMMITTED

UPON HIS COURT BY THE ALLEGED FORENSIC SCIENTIST (IMPOSTER),

MR. WARREN STEWART BENNETT WHO REPRESENTED THE DEFENSE;

G. 1 - A COVER PAGE OF MR. HERBERT LEON MACPONELL,
HIGHLIGHTING A VOLUME OF HIGH PROFILE CASES HE WORKEDON;

G.2 - MR. ROBERT H. GOLDBERG, J.D., M. P. RESUME;

G.4- MR. GOLDBERG, J.D., M.D'S EXCERPTED RESEARCH FROM DR. VINCENT J. M. DIMAIO'S BOOK ON GUNSHOT WOUNDS, IN SUPPORT OF HIS EXAMINATIONS AND FINDINGS ON THE HOWARD CASE; EXHIBIT-H: A SELF-EXPLANATORY "NOTICE OF ACTION" DIRECTED TO DR. RIGLE AND DR. JUMBELLIC IN SUPPORT OF THE FACT OF THEIR KNOWLEDGE THAT OFFICER HOWARD, JR. WAS KILLED BY HIS OWN FELLOW OFFICERS (AND "NOT" BY MR. LAWRENCE), AND REQUESTING AN AFFIDAVIT FROM THEM IN SUPPORT OF THEIR PERSONAL KNOWLEDGE AND/OR DEGREE OF INVOLVEMENT. AND, FOUND THEREIN, ARE "AFFIDAVITS" FROM THE FOLLOWING INDIVIDUALS AND DOCUMENTS IN SUPPORT OF SAME:

EX.C- STATEMENT OF AFFIRMATION AND AFFIDAVIT BY MR. Louis M. FREEMAN, ESQ.;

EX. D- LETTERS IN SUPPORT OF DR. RIGHE'S

INITIAL AGREEMENT WITH DR. GOLDBERG AND MS. ANGELA

E. BROWN, M. DIV. TO BE "DEPOSED," HIS LETTER LATER

DECLINING AND MS. BROWN'S "UNANSWERED" LETTER TO THE

HON. McCURN, S. J. REQUESTING A MEETING IN CHAMBERS

TO CONVEY THEIR INVESTIGATION'S FINDINGS, ALONG

WITH AN AFFIDAVIT FROM "THE REVEREND ANGELAE.

BROWN, M. DIV;

EX. E- A LETTER/MEMO FROM ME. MARY I.

JUMBELIC, M.D. TO MS. BROWN, CONFIRMING THE ORIGINAL

CONCLUSIONS OF OFFICER HOWARD, J.R'S AUTOPSY REPORT;

EX.F-AFFIDAVIT OF MR. ROBERT H. GOLDBERG, J.B. M.D. WITH A LETTER TO MRS. MARIE Y. WATSON, ESQ. DETAILING RAW MATERIALS HE WOULD NEED TO CONDUCT HIS OWN FORENSIC SCIENCE EXAMINATION AND VIDOCQ SOCIETY HISTORY;

EX. G- AFFIDAVIT OF MR. HERBERT LEON
MACDONELL WITH SUPPORTING ARTICLE CONFIRMING THAT
MR. WARREN STEWART BENNETT IS A FRAUD AND COMMITTED
A "RESUME FRAUD" TO BE RETAINED BY THE DEFENSE,
TO ALLEGEPLY RECONSTRUCT THE CRIME SCENE WITH OFFICER
WALLIE HOWARD, JR.

EX. H- DOCUMENTS IN SUPPORT OF MR. BENNETT BEING PAID BY GOVERNMENT FUNDS..., AND AN AFFIDAVIT BY MS. KATE ROSENTHAL, ESQ.; AND

EX. I - THREE "PRESS RELEASES" BY THE YOUTH TASK
FORCE AND ONE (1) "NOTARIZED" BY MS. BROWN, BRINGING
TO LIGHT HOW MS. ROSENTHAL "THREATENED HER," THE SAME
WAY SHE "THREATENED" HER FORMER CLIENT, MR. STEWART;

EXHIBIT-I: AFFIANT'S URGENT REQUEST FOR A DEPOSITION OF DR. RIGHE, ADDRESSED TO THE HON.

McCurn, S.J. TO DATE BEING "UNANSWERED;"

I. 1 - A YOUTH TASK FORCE PRESS RELEASE
TITLED, "DR. RIGLE ADMITS PROBLEMS IN WALLIE HOWARD
INVESTIGATION: JUDGE McCURN STILL DENIES SYRACUSES
ACCESS TO COURTS," AND LETTER IN SUPPORT OF SAME
BY MS. BROWN TO THE HON. McCURN;

I.2 - DR. RIGLE'S TESTIMONY IN MR. LAWRENCE'S STATE TRIAL, WHERE THE STATE ASKED HIM TO "ASSUME" IF HOWARD WAS POSITIONED IN SUCH MANNER, IF THAT WOULD BE CONSISTING WITH BEING SHOT BY MR. LAWRENCE

STANDING IN THE RIGHT SIDE OF THE PLYMOUTH HORIZON VEHICLE;

I. 3- DR. RIGLE'S TESTIMONY AT AFFIANT'S FEDERAL
TRIAL WHERE HE WAS CROSS-EXAMINED AS TO, IF THE
BULLET RECOVERED FROM OFFICER HOWARD, JR'S HEAD HAD
RICOCHETTED AND IF HE WOULD ASSUME AGAIN, HOWARD'S
SEATED POSITION... CONSISTANT WITH MR. LAWRENCE
BEING THE ALLEGED TRIGGERMAN...;

I. 4- AT AFFIANT'S FEDERAL TRIAL, DR. RIFLE
STATES THAT HE HAS NO KNOWLEDGE IF HOWARD, JR.
WAS BURRIED WITH BULLET FRAGMENTS STILL LODGED
IN HIS HEAD; BUT, DR. RIGLE DID ADMIT TO MS. BROWN
THAT HOWARD WAS INDEED BURRIED WITH BULLET
FRAGMENTS LODGED IN HIS HEAD;

I.5- STATE GRAND JURY TESTIMONY OF AGENT JOSEPH RUGGIERO, TESTIFYING TO THE POSITION HOWARD WAS FOUND IMMEDIATELY AFTER BEING SHOT; SLUMPED FORWARD AND SITTING LIKE A NORMAL PERSON POSITION;

I.6- AGENT RUGGIERO'S TESTIMONY AT MR. LAWRENCE'S STATE TRIAL, STATING WHAT POSITION OFFICER HOWARD, JR. WAS FOUND AFTER BEING SHOT;

I.7- LETTERS FROM MS. MARIE Y. WATSON, ESQ. TO

DR. JUMBELLIC, FIRST FORWARDING A COPY OF HOWARD'S BALLISTICS

REPORT AND REQUEST HER WRITTEN REPORT AFTER EXAMINING

HOWARD'S RECORDS;

- I.8- VARIOUS NEWSPAPER ARTICLES FROM THE CITY OF SYRACUSE, N.Y. REGARDING CORRUPTION WITH THE PROSECUTORS AND FORENSIC SCIENTISTS BEING TOLD HOW TO TESTIFY FALSELY IN FAVOR OF THE STATE/GOVERNMENT;
- I.9- URGENT NOTICE TO ONONDAGA COUNTY DISTRICT ATTORNEY TO RESPOND TO AFFIANT'S LETTER WITH ATTACHED EXHIBITS AND SILENCE WOULD BE TAKEN AS CONCESSION THAT OFFICER HOWARD, JR. WAS KILLED BY HIS OWN FELLOW PARTNERS;
- I. 10- LETTER WITH SUPPORTING DOCUMENTS
  TO THE HON. McCURN TITLED, "URGENT NOTICE
  REFLECTING FACTUAL DISPUTES," STEMMING FROM
  THE GOVERNMENT'S OCTOBER 25TH 2002 RESPONSE TO
  THE SECOND CIRCUIT'S ORDER OF REMAND;
- I.11 AFFIANT'S LETTER TO MR. DUNCAN IN GOOD-FAITH, REQUESTING THAT THE GOVERNMENT RECONSIDER'S ITS PREVIOUS POSITIONS WITH SUPPORTING POCUMENTATIONS;
- I. 12- A CHAMPION MAGAZINE JOURNAL WITH AN ARTICLE TITLED, "DANBERT CHALLENGES TO FORENSIC EVIDENCE: BALLISTICS NEXT ON THE FIRING LINE," IN SUPPORT OF AFFIANT'S CASE ON BALLISTICS CONSISTANT WITH DR. GOLDBERG'S AFFIPAVIT AND LETTER TO MS. WATSON, ESQ. AT EXHIBIT-H (EX.F) HEREIN, STATING THAT "ALL 14 OFFICERS SERVICE WEAPONS" SHOULD HAVE BEEN TESTED TO ACQUIRE A PROPER BALLISTICS/WEAPONS REVIEWS

EXHIBIT-J: AFFIANT'S LETTER TO THE
FORMER U.S. ATTORNEY, HON. JOSEPH PAVONE WITH
VOLUMINOUS STATE (PRE-TRIAL HEARINGS TRANSCRIPTS),
IN SUPPORT OF MR. BENNETT'S FRAUDULENT
REPRESENTATION TAMPERING WITH CRITICAL EVIDENCE
AND AFFIANT'S REQUEST FOR AN INVESTIGATION AND
HIS "SILENCE" WOULD ALSO BE TAKEN AS A CONCESSION
THAT OFFICER HOWARD, JR. WAS KILLED BY HIS OWN
FELLOW PARTINERS AND THE GOVERNMENT HAS
PERSONAL KNOWLEDGE OF SAID CRIME;

EXHIBIT-K: AFFIANT'S NOVEL "AFFIDAVIT OF JUROR... IN A QUESTIONNAIRE FORMAT," TO BE HANDED TO EACH JUROR DURING A "CANVASING JUROR PROCEEDING" BEFORE THE DISTRICT COURT AND ACQUIRE THEIR RESPONSES FOR THE RECORD SAKES AFTER LISTENING TO ALL OF AFFIANT'S "NEWLY DISCOVERED EVIDENCES;"

K.1- AFFIANT'S DRAFT OF JUROR'S SEATED POSITIONS, ALONG WITH THEIR NAMES AFTER BEING POLLED;

K.2- A SYRACUSE HERALD-JOURNAL NEWSPARER

ARTICLE DATED, FRIDAY, FEBRUARY 26TH 1993, REFLECTING

VARIOUS COMMENTS FROM PETITIONER'S TRIAL JURORS, AS

TO WHAT THEY THOUGHT WAS DAMAGING AGAINST AFFIANTS

AND THE TRIAL OVERALL; AND

- K.3- EXCERPTS FROM AFFIRNT'S INITIAL MOTION FOR RECONSIDERATION...," DATED DECEMBER 28th, 2000; COVERING VARIOUS JURORS COMMENTS AS TO AFFIRNT AND WHAT THEY SAW TO BE THE "DAMAGING EVIDENCE(S)" AGAINST PETITIONER....
- 8. THAT AFFIANT ASSERTS THAT I WOULD LIKE TO IN CORPORATE ALL THE FACTS SUBMITTED IN EXHIBITS -B, C, P AND PETITIONER'S MOTION FOR NEW TRIAL...," WHICH HAS BEEN PROPERLY PREPARED IN AFFIDAVIT FORMAT (SWORN UNDER THE PENALTY OF PERJURY, PURSUANT TO TITLE 28 EL.S. C. § 1746), TO THE PRESENT AFFIDAVIT, NOT TO BE "REDUNDANT" WITH ALL/SOME OF THE FACTS ALREADY CONTAINED THEREIN; AND
- 9. IN CLOSING, AFFIANT WOULD LIKE TO
  ASSERT (AND REQUEST AT THE SAME TIME), THE LETTER
  THAT MR. JOHN FORD LAIDLAW, ESQ. HAD MAILED ME
  WHILE BEING HOUSED AT "FCI RAYBROOK" ON OR AROUND
  MARCH OF 1993, STATING THAT ONE OF THE JURORS ON MY
  FRIAL'S PANEL STATED TO HIM THAT, "IF IT WASN'T FOR
  ROBERT LAWRENCE'S TRIAL TESTIMONY, WE WOULD NOT' HAVE
  FOUND MR. DAVIDSON GUILTY." AFFIANT ASSERTS THAT THIS
  WAS THE LETTER I SLIP UNDER MR. LAWRENCE'S CELL DOOR
  WHILE ALL OF US (MY CO-DEFENDANTS) WERE BEING HOUSED AT
  FCI RAYBROOK AND AFTER MR. LAWRENCE READ THE
  CONTENTS OF SAID LETTER, IT INFURIATED ME AND HE
  BEGAN TO EXPLAIN THE CONTENTS OF HIS AFFIDAVIT. AND,
  MR. LAWRENCE ASSERTED THAT HE WAS GOING TO CONTACT
  HIS ATTORNEY, MR. MCGINTY TO CORRECT THE TRIAL

ECORD BECAUSE MR. McGINTY HAD "LIED TO HIM" AND SET HIM UP" AS HE EXPLAINED IN HIS AFFIDAVIT.

HE LETTER MR. LAWRENCE ADDRESSED TO THE HON.

McCURN, S. J. SUPPORTS HIS INTENTIONS THAT HIS

RIAL TESTIMONY WAS BASICALLY GUIDED UNDER THE

"UPERVISION OF MR. MORALES AND MR. McGINTY ETC.,

"N GOOD-FAITH," ONLY" FOLLOWING THE "LEGAL ADVISES"

F TRIAL ATTORNEY (WHO UTILIZED MR. LAWRENCE'S YOUNG

GE AS MEANS TO DECEIVE AND MANIPULATE HIM, DUE

TO HIS INEXPERIENCE MIND).

I, JAINE A. DAVIDSON, AFFIANT, PRO-SE, LEREBY CERTIFY AND SWEAR UNDER THE BENALTY OF DERJURY (PURSUANT TO TITLE 28 U.S.C. § 1746), THAT ALL THE FACTS MENTIONED HEREIN AS A HOLE AND CONTAINED IN AFFIANT'S VOLUMINOUS EXHIBITS A-K, ARE ALL TRUE AND/OR CORRECT TO THE BEST OF MY CLEAR RECOLLECTION AND PERSONAL KNOWLEDGE. AND AFFIANT IS WILLING AND 9BLE TO TESTIFY TO THE AFOREMENTIONED IN ANY

XECUTED ON THIS 9 DAY OF JANUARY ,2003.

RESPECTFULLY SUBMITTED,

Jaime A. Davidson SIGNATURE OF AFFIANT Lamont A. Slater "USA TODAY hopes to serve as a forum for better understanding and unity bis laionanti guivie to help make the USA truly one nation." sirrom busine odw zine -- Allen H. Neuharth, Founder, Sept. 15, 1982 he fact that a large number vay that the school can re-

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By Gregg Newton, Reuters

Sen. Frist, R-Tenn.

for the deliberative Senate. might cause the party.

the nation a valuable if unintended favor — at the cost of his leadership post Friday – by wistfully recalling a time in the not-too-distant past

when racial separation was shamefully embraced in the USA. His words are a reminder that the nation's history of race relations remains marred by festering wounds still in

The challenge facing Republicans now is to show through actions beyond replacing Lott that they are committed to ending racially divisive politics, an ugly tactic both

At the time, Thurmond was a renegade Democrat who opposed President Harry Truman's push to end nearly a century of legal segregation after the Civil War. Blacks lacked full voting fights, were denied education and job opportunities, forbidden to mix with whites in **public** and terrorized by lynchings. The Deniocratic Party courted Southern segregationists to win national elections and control Congress.

As the civil rights movement spread in the 1960s, Republicans opportunistically went after the votes of disaffected whites. The GOP laid the cornerstone of its current coalition by using racebaiting code words such as "state sovereignty" and "our way of life." In the process, Republican support among blacks, once more than 40%, dropped to 8% in the 2000 presidential election.

President Bush, whose condemnation of Lott's remarks on Dec. 12 sparked the drive to dump the GOP leader, has pledged to widen

his party's base to include more minorities. Fulfilling that goal, however, requires the president and Republicans in Congress to rethink their agenda for next year.

After capturing control of the Senate in the Nov. 5 election, the GOP had planned to capitalize on its success by pushing for the appointment of more conservative judges and new tax cuts mainly benefiting upperincome Americans. Now, national sensitivity about race prompted by Lott's comments is putting those policies under new scrutiny to see if they advance Bush's stated goal of ensuring equal opportunity for all or merely play to bigoted voters.

Frist, Bush's personal choice to succeed Lott as Republican leader, gives the president the sway with Congress to see that as inclusive agenda is adopted.

Likewise, Democrats need to show a new flexibility in working with Bush on programs aimed principally at helping minorities, such as his school reform proposals.

In such ways, both parties can help the nation overcome its bitter racial divide. Tha is too important a goal to be quickly forgot ten along with the Lott controversy.

Senate post change presents chance to bridge racial divide

With lightning speed rare Republicans are dashing to proclaim Sen. Bill Frist of Tennessee as their new majority leader today. All the better, they reckon, to get the embarrassing flap over deposed leader Trent Lott behind them and minimize the long-term damage his pro-segregation remark

Yet Lott did the GOP and

need of healing.

parties have employed in the past.

Lott's downfall was caused by the Mississippian's seeming embrace of that history. At the 100th birthday party for retiring Sen. Strom Thurmond, R-S.C., on Dec. 5, Lott suggested that the country would have been better off had Thurmond won his 1948 presidential election as a segregationist.

**SUMPSTS** 

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# Challenge in Senate

By KENNETH R. BAZINET and THOMAS M. DeFRANK

WASHINGTON — President's Bush's handpicked choice to run the GOP-led Senate all but announced his candidacy yesterday -- even as embattled Sen. Trent Lott told colleagues he has the votes to keep

lennessee Sen. Bill Frist said several colleagues are asking his permission to push his candida

"I indicated to them that if it is

"I indicated to them that if it is clear that a majority of the Repub-lican cancus believes a change in leadership would benefit the insti-tution of the United States Senate, I. will, likely step forward for that role, "Fist said in a statement." n statement.

The former heartlung transplant sur-geon stopped just short of a formal decla-ration, but three other sources told the Dally News that Frist would officially declare a chal-lenge to Latt within

days
"He's going," a prominent Re-publican said, "and that's the beginning of the end" for Lott (R-Alise )

### Taking sides

Sen Don Nickles (R-Okla.), a longtime Lott antagonist who has lusted after the leader's job for years, will throw his support he

## **Half of Americans** think he's gotta go

Despite his multiple apologies, nearly half of Americans think Sen. Trent Lott's praise of Sen. Strom Thurmond was racist and that he should quit as Republican leader, a poll show

But a Time magazine/CNN survey released yesterday found that most people believed that Lott didn't realize his comments were offensive. Only 22% said the Mississippi senator intentionally under acist comments.

ally under racist comments.

Those polled also were split
on a Senate penalty, with 49% favoring a formal existire for comments Lott made praising Thurge
mond's presidential ambitions in
half-century ago, But 40% opposed any Senate action.

\*\*Leo Standors

frist's remarks were a critical hlow to Lott because he is widely known to be Bush's candidate. making it difficult for senators to buck the White House by stick-

ing with Lott.

A Lott spokesman

declined comment.

bulls a GOP source

close to the beleaguered sension said, "Sen. Lott has a tremendous amount of support from his colleagues and should not be underestimat-

> Even before Frist's announcement, Lott was telling colleagues that a poll of 50 GOP senators showed he had the votes to re-main majority leader,

sources said. But that rosy assessment was dismissed by Republican sources in the White House and on Capitol Hill who contend Lott was fethally damaged by re-

Lott was lethally damaged by re-marks two weeks ago that the country would have been better off it reliring Sen. Strom Thur-mond (R.S.C.) had won the 1948 presidential election. "I don't think Trent survives this," said a veteran congression-al official with close lies to Loil and the White House. "But I think be doesn't know it yet." There's a growing consensus in-side the party that if Lott does de-fy political gravity and hangs on to his post, "It would be had, had. bad for the party and the Presi dent."

ent. Lott remained secluded in Mississippi yesterday, and allies said he plans to keep a low profile in hopes the calls for his scalp will fade over the holidays.

"As long as he keeps his mouth shut and stops giving critics a new target, the drip-drip-drip should begin to stop," a congres-sional source said.

Stonar source said.
But it didn't yesterday. Even before Friat's blockbuster, two
fore conservative (10)? sensfors: Wyoming's Craig Thomas,
and Oklahoma's Jim Inhofe, critiand Ontanoma 3 Juli Innote, Criti-cized Lolt. Inhofe pegged Lott's odds at affreiving at 30%.



Sen. Bill Frist

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